

**State of California  
Department of Justice  
Division of Law Enforcement  
BUREAU OF INVESTIGATION  
Investigation Report**

<b>INVESTIGATION TITLE:</b> ATWATER POLICE DEPARTMENT		<b>INVESTIGATION NUMBER:</b> BI-FR2018-00018
<b>INVESTIGATION REQUESTED BY:</b> CHIEF KEVIN GARDNER		<b>TYPE OF REPORT:</b> PROGRESS REPORT
<b>CASE ASSIGNED TO:</b> HERNANDEZ, ANDRE	<b>PERSON REPORTING:</b> HERNANDEZ, ANDRE	<b>REPORT NO:</b> 2
<b>TYPE OF CRIME/INCIDENT:</b> NO CRIME INVOLVED	<b>CASE ASSIGNED SUPERVISOR:</b> CAPELLO, RACHEL	<b>DATE OF REPORT:</b> 08/28/2018
<b>CROSS REFERENCE NO(s):</b>		

**SUMMARY:**

Between August 20, 2018 and August 28, 2018, special agents (SAs) from the California Department of Justice (CA DOJ), Bureau of Investigation (BI), Fresno Regional Office (FRO), Special Investigations Team (SIT), along with detectives from the Merced County Sheriff's Office (MCSO) and employees from the Fresno County Sheriff's Office (FCSO) conducted an audit of the Atwater Police Department's (APDs) evidence. I, Special Agent Supervisor (SAS) Andre Hernandez, oversaw the multi-agency evidence audit. The evidence audit was conducted at the APD, the evidence vault, at 750 Bellevue Road and at an off-site facility located at 501 Industry Way, Atwater, CA.

**DETAILS OF THE INVESTIGATION:**

Between the above-listed dates, CA DOJ/BI/FRO/SIT SAs Cesar Sanchez, Mark Rodriques and Chris Wagner, MCSO detectives Chris Sziraki, Jose Andrade, Danny Ramirez and MCSO Property Controller (PC) Jessica Hodges, FCSO Senior Identification Technician (IT) Adam Ramirez, FCSO Office Assistant III (OAI) Lisa Munsey, and I, SAS Hernandez, conducted an audit of the evidence in the custody of APD.

Prior to conducting the audit, a pre-operational briefing was held at the APD. We discussed how the audit was to be conducted. The assisting personnel worked in pairs, each being assigned an evidence list for a specific bin. One person read and verified the evidence item(s) and the second person would verify it on the list. If an item was in the bin, but not on the list, the assisting personnel were instructed to write the case and evidence number on the list for future reference. Also, if an item was missing, assisting personnel were instructed to notify me and notate it on the list. Assisting personnel were also given access to APD's case management system which included access to the evidence inventory and investigation reports. This audit would entail sorting through thousands of evidence items.

Detective Sziraki and PC Hodges issued evidence bins and the associated evidence lists to assisting personnel. They kept the evidence vault secured and also audited items, mostly firearms and biological evidence, in the evidence vault. During the evidence audit, myself and/or assisting personnel requested assistance and often times clarification from APD Community Services Officer (CSO) Daniel Ortiz. The assistance was limited to explaining things such as; why booking procedures were conducted in a certain way, where and why items may have been booked or why items were stored but did not contain evidence

State of California  
Department of Justice  
Division of Law Enforcement  
BUREAU OF INVESTIGATION  
**Investigation Report**

labels. I never suspected CSO Ortiz of being anything but truthful. CSO Ortiz never wavered in answering questions and was confident in his responses.

Once the items were accounted for, the evidence bin and evidence list was returned to Detective Sziraki and PC Hodges. The evidence bins were returned to their marked storage location. The bins were marked and noted as being inventoried/completed upon return to the evidence vault.

Assisting personnel only opened sealed evidence packages when/if needed. For example, if items such as wallets and/or valuables were listed as being in the evidence package, assisting personnel would open the evidence package to verify if money and/or valuables were or were not in the wallet. If money was in the wallet, assisting personnel counted the money to verify its count. The contents were then placed back into the evidence package, sealed, dated and initialed.

It should be noted no money as documented in the evidence description was determined to have been missing. However, it should also be noted, that being able to account for every single item of evidence, to include money/valuables, would not be possible. This is because record keeping of the APD evidence was subpar at best. We discovered throughout the evidence audit that items were being kept in APD evidence were not in the case management system. On the contrary, we discovered evidence listed as being in the evidence vault, was later determined to have been dispositioned by either being destroyed or returned. Also, the APD did not appear to have a set standard for report writing. Most of the reports reviewed did not list an "Evidence" section in the report. Evidence items were sometimes generally described in the report narrative. Because of the lack of an "Evidence" section in the report, or a detailed description in the narrative, the reader would not be able to determine what items of evidence were seized/collected and what evidence should have been booked into the APD evidence vault. Items of evidence, to include seized monies, were entered into the case management system with no apparent way to verify what evidence should have been submitted to the evidence vault. The officers at the APD generate evidence information when items are submitted. The lack of evidence description on the evidence labels often times would not accurately describe the evidence being submitted.

Also, most evidence packages did not contain a chain of custody. CSO Ortiz explained that the chain of custody was maintained in the APD's case management system. He related if the system was to crash, there would be no chain of custody for the packages not marked.

Once the evidence items in the vault were audited, assisting personnel then conducted an audit of the items at the off-site evidence facility located at 501 Industry Way, Atwater, CA.

Assisting personnel continued to work in pairs, identifying items that were being stored at this location. A large number of evidence items were found to be at the off-site evidence location; however, they were listed as being stored at the APD evidence vault. It should be noted that evidence items located at the APD were listed as being stored at the off-site evidence location as well. CSO Ortiz explained these aforementioned items were moved with the intention of their respective storage locations being updated in the evidence system. A sizeable amount of evidence listed as being at the APD evidence vault but being stored at the off-site location, was marijuana. These evidence packages did not appear to have been tampered with and were kept in plastic bins which were stored in metal cabinets. There were unlabeled items at the off-site storage area, with most being bicycles and backpacks that appeared to have been seized over a period of several years.

State of California  
Department of Justice  
Division of Law Enforcement  
BUREAU OF INVESTIGATION  
**Investigation Report**

On August 23, 2018, I met with Lahkwinder Deol, Atwater Deputy City Manager/Finance Director. Deol explained to me Patricia "Patty" Tejada was the city accountant and any financial questions regarding the APD's finances could be answered by Tejada. Deol stated Tejada was currently out of the office.

Assisting personnel and I completed the evidence audit on August 28, 2018. During the evidence audit, I kept Interim Chief Bessinger up-to-date on our progress and findings.

This investigation is ongoing.

PHYSICAL DESCRIPTION:

A. Subjects:

NONE

B. Other(s):



Other(s):

1. TEJADA, PATRICIA, DOB-UNK,  
**LOCATION(S):** 750 BELLEVUE RD, ATWATER, MERCED COUNTY, CA 95301-0000  
**PHONE(S):** (209) 357-6300 (BUSINESS)
2. BESSINGER, DREW, DOB-UNK,  
**LOCATION(S):** 750 BELLEVUE RD, ATWATER, MERCED COUNTY, CA 95301-0000  
**PHONE(S):** (209) 357-6384 (BUSINESS)
3. DEOL, LAHKWINDER, DOB-UNK,  
**LOCATION(S):** 750 BELLEVUE RD, ATWATER, MERCED COUNTY, CA 95301-0000  
**PHONE(S):** (209) 357-6384 (BUSINESS)
4. ORTIZ, DANIEL, DOB-UNK,  
**LOCATION(S):** 750 BELLEVUE RD, ATWATER, MERCED COUNTY, CA 95301-0000  
**PHONE(S):** (209) 357-6384 (BUSINESS)

State of California  
Department of Justice  
Division of Law Enforcement  
BUREAU OF INVESTIGATION  
**Investigation Report**

LOCATION(S):

1. 501 INDUSTRY WY, ATWATER, MERCED COUNTY, CA 95301-0000

<b>SIGNATURE:</b> 	<b>DATE:</b> 9/20/18	<b>APPROVAL SIGNATURE:</b> 	<b>DATE:</b> 10/8/18
<b>PRINTED NAME:</b> HERNANDEZ, ANDRE		<b>PRINTED NAME:</b> CAPELLO, RACHEL	
<b>TITLE:</b> SPECIAL AGENT SUPERVISOR		<b>TITLE:</b> SPECIAL AGENT IN CHARGE	
<b>REPORT DISSEMINATION:</b>			